

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0577.01 Conrad Imel x2313

**SENATE BILL 19-036**

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**SENATE SPONSORSHIP**

**Lee and Cooke,**

**HOUSE SPONSORSHIP**

**Benavidez and Carver,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING REQUIRING THE STATE COURT ADMINISTRATOR TO**  
102             **ADMINISTER A PROGRAM TO REMIND CRIMINAL DEFENDANTS TO**  
103             **APPEAR IN COURT AS SCHEDULED.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires the state court administrator to administer a court reminder program (program) to remind criminal defendants to appear at their scheduled hearings in district courts, county courts, and municipal courts that use the judicial department's case management system. The objective of the program is to significantly reduce the number of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

defendants who are committed to the custody of a county jail solely as a result of their failure to appear in court. The judicial department is required to include information about the program in its annual report to the general assembly.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-3-101, **amend** (1);  
3 and **add** (11) as follows:

4 **13-3-101. State court administrator - definition - repeal.**

5 (1) There is created, pursuant to section 5 (3) of article VI of the state  
6 constitution, the position of state court administrator, who ~~shall be~~ IS  
7 appointed by the justices of the supreme court at such compensation as  
8 ~~shall be~~ IS determined by them. The state court administrator is  
9 responsible to the supreme court, and IN ADDITION TO THE DUTIES  
10 DESCRIBED WITHIN THIS SECTION, THE STATE COURT ADMINISTRATOR shall  
11 perform ~~such~~ THE duties as assigned to him OR HER by the chief justice  
12 and the supreme court.

13 (11) (a) (I) ON AND AFTER JANUARY 1, 2020, THE STATE COURT  
14 ADMINISTRATOR SHALL ADMINISTER A COURT REMINDER PROGRAM IN AT  
15 LEAST FOUR JUDICIAL DISTRICT COURTS TO REMIND CRIMINAL  
16 DEFENDANTS TO APPEAR AT EACH OF THEIR SCHEDULED CRIMINAL COURT  
17 APPEARANCES. THE OBJECTIVE OF SUCH REMINDERS IS TO SIGNIFICANTLY  
18 REDUCE THE NUMBER OF CRIMINAL DEFENDANTS WHO ARE COMMITTED TO  
19 THE CUSTODY OF A COUNTY JAIL SOLELY AS A RESULT OF THEIR FAILURE  
20 TO APPEAR IN COURT. NO LATER THAN JULY 1, 2020, THE PROGRAM MUST  
21 BE ADMINISTERED IN EVERY ELIGIBLE COURT, AS DEFINED IN SUBSECTION  
22 (11)(h) OF THIS SECTION, IN THE STATE.

23 (II) THE STATE COURT ADMINISTRATOR SHALL ISSUE A REQUEST

1 FOR PROPOSAL TO CHOOSE A THIRD-PARTY VENDOR TO DEVELOP AND  
2 OPERATE THE COURT REMINDER PROGRAM. AT THE CONCLUSION OF THE  
3 REQUEST FOR PROPOSAL PROCESS, THE STATE COURT ADMINISTRATOR MAY  
4 CHOOSE TO DEVELOP AND OPERATE THE PROGRAM WITHOUT UTILIZING A  
5 THIRD-PARTY VENDOR.

6 (b) IN ADMINISTERING THE PROGRAM, THE STATE COURT  
7 ADMINISTRATOR SHALL PRIORITIZE THE USE OF TEXT MESSAGES TO  
8 REMIND CRIMINAL DEFENDANTS WITH THE CAPACITY TO RECEIVE TEXT  
9 MESSAGES, UNLESS AND UNTIL A MORE EFFECTIVE TECHNOLOGICAL MEANS  
10 OF REMINDING DEFENDANTS BECOMES AVAILABLE. IN ADDITION, OR WHEN  
11 A DEFENDANT IS UNABLE TO RECEIVE TEXT MESSAGES, THE STATE COURT  
12 ADMINISTRATOR, AT HIS OR HER DISCRETION, MAY ALSO USE OTHER  
13 COMMUNICATION METHODS, INCLUDING TELEPHONE, E-MAIL, OR OTHER  
14 INTERNET-BASED TECHNOLOGY TO REMIND DEFENDANTS OF COURT DATES.

15 (c) THE PROGRAM MUST:

16 (I) PROVIDE AT LEAST TWO TEXT MESSAGE REMINDERS FOR ALL  
17 COURT APPEARANCES FOR CRIMINAL DEFENDANTS IN AN ELIGIBLE COURT  
18 WITH THE CAPACITY TO RECEIVE TEXT MESSAGES AND FOR WHOM THE  
19 STATE COURT ADMINISTRATOR HAS A WORKING MOBILE TELEPHONE  
20 NUMBER. THE REMINDERS MUST INCLUDE AT LEAST THE DATE, LOCATION,  
21 AND TIME OF THE COURT APPEARANCE AND CONTACT INFORMATION FOR  
22 QUESTIONS RELATED TO THE COURT APPEARANCE.

23 (II) PROVIDE AN ALERT TO DEFENDANTS WHO MISS COURT WHEN  
24 A WARRANT IS ISSUED FOR THAT DEFENDANT'S ARREST;

25 (III) IDENTIFY EACH INSTANCE IN WHICH A CRIMINAL DEFENDANT  
26 WAS SENT A TEXT MESSAGE REMINDER TO A WORKING MOBILE TELEPHONE  
27 NUMBER;

1 (IV) IDENTIFY DEFENDANTS WITH UPCOMING COURT APPEARANCES  
2 WHO CANNOT BE REACHED AND, AS RESOURCES ALLOW, ATTEMPT TO  
3 ACQUIRE CURRENT CONTACT INFORMATION; AND

4 (V) COLLECT DATA CONCERNING THE NUMBER OF CRIMINAL  
5 DEFENDANTS WHO FAIL TO APPEAR AT THEIR SCHEDULED COURT  
6 APPEARANCES DESPITE HAVING BEEN SENT ONE OR MORE REMINDERS TO  
7 A WORKING TELEPHONE NUMBER.

8 (d) EACH ELIGIBLE COURT SHALL UTILIZE THE REMINDER SERVICES  
9 OF THE STATE COURT ADMINISTRATOR DESCRIBED IN THIS SUBSECTION  
10 (11) UNLESS THE COURT CHOOSES TO OPT OUT AND HAS ITS OWN  
11 PROCEDURE FOR USING TEXT MESSAGING TO REMIND ALL CRIMINAL  
12 DEFENDANTS TO APPEAR AT THEIR SCHEDULED COURT APPEARANCES.

13 (e) ON AND AFTER JANUARY 1, 2020, THE STATE COURT  
14 ADMINISTRATOR SHALL TRACK DATA IN EACH ELIGIBLE COURT  
15 CONCERNING THE FAILURE OF CRIMINAL DEFENDANTS TO APPEAR FOR  
16 THEIR SCHEDULED COURT APPEARANCES.

17 (f) IN ITS ANNUAL REPORT TO THE COMMITTEES OF REFERENCE  
18 PURSUANT TO SECTION 2-7-203, THE JUDICIAL DEPARTMENT SHALL  
19 INCLUDE INFORMATION CONCERNING THE ACTIVITIES OF THE STATE COURT  
20 ADMINISTRATOR PURSUANT TO THIS SUBSECTION (11). TO THE EXTENT  
21 PRACTICABLE, THE REPORT MUST INCLUDE:

22 (I) THE NUMBER OF REMINDERS SENT TO A CRIMINAL DEFENDANT'S  
23 WORKING TELEPHONE NUMBER IN EACH ELIGIBLE COURT;

24 (II) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH ELIGIBLE  
25 COURT WHO FAILED TO APPEAR FOR A COURT HEARING;

26 (III) THE NUMBER OF CRIMINAL DEFENDANTS IN EACH ELIGIBLE  
27 COURT WHO WERE SENT A REMINDER TO A WORKING TELEPHONE NUMBER

1 FROM THE PROGRAM BUT WHO NONETHELESS FAILED TO APPEAR FOR A  
2 COURT HEARING; AND

3 (IV) ANY OTHER DATA COLLECTED BY THE STATE COURT  
4 ADMINISTRATOR THAT THE STATE COURT ADMINISTRATOR DETERMINES TO  
5 BE USEFUL TO THE GENERAL ASSEMBLY IN ASSESSING THE EFFECTIVENESS  
6 OF THE PROGRAM AT REDUCING THE NUMBER OF CRIMINAL DEFENDANTS  
7 WHO FAIL TO APPEAR FOR THEIR COURT APPEARANCES AND REDUCING THE  
8 NUMBER OF CRIMINAL DEFENDANTS WHO ARE JAILED FOR FAILURE TO  
9 APPEAR AT A COURT APPEARANCE.

10 (g) NOTHING IN THIS SUBSECTION (11) CREATES A RIGHT FOR ANY  
11 CRIMINAL DEFENDANT TO RECEIVE A REMINDER FROM THE PROGRAM.

12 (h) AS USED IN THIS SUBSECTION (11), "ELIGIBLE COURT" MEANS  
13 A DISTRICT COURT, COUNTY COURT, OR MUNICIPAL COURT THAT USES THE  
14 INTEGRATED COLORADO ONLINE NETWORK THAT IS THE JUDICIAL  
15 DEPARTMENT'S CASE MANAGEMENT SYSTEM.

16 **SECTION 2.** In Colorado Revised Statutes, 16-5-206, **amend**  
17 **(2)(b); and add (2)(g) as follows:**

18 **16-5-206. Summons in lieu of warrant.** (2) If a summons is  
19 issued in lieu of a warrant under this section:

20 (b) It shall state the name of the person summoned, ~~and his~~  
21 ~~address~~ THE PERSON'S ADDRESS, AND THE PERSON'S MOBILE TELEPHONE  
22 NUMBER.

23 (g) IT SHALL ADVISE THE PERSON SUMMONED THAT THE PERSON'S  
24 CONTACT INFORMATION MAY BE USED TO REMIND THE PERSON OF FUTURE  
25 COURT DATES UNLESS THE PERSON OBJECTS BY CHECKING AN OBJECTION  
26 BOX ON THE SUMMONS.

27 **SECTION 3. Act subject to petition - effective date.** Section 2

1 of this act takes effect July 1, 2020, and the remainder of this act takes  
2 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
3 period after final adjournment of the general assembly (August 2, 2019,  
4 if adjournment sine die is on May 3, 2019); except that, if a referendum  
5 petition is filed pursuant to section 1 (3) of article V of the state  
6 constitution against this act or an item, section, or part of this act within  
7 such period, then the act, item, section, or part will not take effect unless  
8 approved by the people at the general election to be held in November  
9 2020 and, in such case, will take effect on the date of the official  
10 declaration of the vote thereon by the governor.